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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/505,426	03/23/2005	Yong-Hak Choi	DUW-0008	7134

34610 7590 08/10/2005

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EXAMINER

BALAOING, ARIEL A

ART UNIT	PAPER NUMBER
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2683

DATE MAILED: 08/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/505,426	<b>Applicant(s)</b> CHOI ET AL.	
	<b>Examiner</b> Ariel Balaoing	<b>Art Unit</b> 2683	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 23 March 2005.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-4 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☒ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 24 August 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-3 are rejected under 35 U.S.C. 102(e) as being anticipated by HOFFMAN et al (US 2004/0014478 A1).

Regarding claim 1, HOFFMAN discloses a method of membership protection using mobile communication device (abstract), comprising the steps of: a step for constructing central control server in which a transmission and receipt of an information is controlled (paragraph 49, 50); a step for constructing a member information database in which a member information database operates in cooperation with the central control server, and a member information including a mobile communication terminal number and a dedicated contact place [emergency telephone numbers, dispatch operator] is stored by the member (paragraph 49, 50, 111); a step for constructing a moving information database in which a moving information database operates in cooperation with the central control server (paragraph 71), and a member's moving information is stored (paragraph 71), and an engaged time [historical data] is registered (paragraph 71); a step for starting a protection state in which moving information including an engaged time is received from a member in accordance with a control of the central control server (paragraph 75-77), an engaged time is registered in the moving information database

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(paragraph 71, 75-77), and moving information is stored and is reported to the dedicated contact place (paragraph 111); a step for storing a position in which a position of the mobile communication terminal is traced at a certain period in accordance with a control of the central control server until a protection state is completed after the report of releasing a protection state is received from the member after the protection state is started (paragraph 71, 74-77), and the traced information is stored in the moving information database (paragraph 71); and a step for transmitting moving information in which the position information stored in the step for storing the position and moving information are transmitted to a mobile communication terminal of a mobilizing staff in accordance with a control of the central control server when the report of releasing a protection state is not received until the engaged time (paragraph 31, 74-77).

Regarding claim 2, see the rejections of the parent claim concerning the subject matter this claim is dependant upon. HOFFMAN further discloses wherein the step for transmitting moving information, a position data stored in the step for storing the position and the moving information are transmitted to a mobile communication terminal of a mobilizing staff in accordance with a control of the central control server when a mobilizing request report is received by the central control server from a dedicated contact place (paragraph 111).

Regarding claim 3, see the rejections of the parent claim concerning the subject matter this claim is dependant upon. HOFFMAN further discloses wherein the step for transmitting moving information further includes a step for transmitting moving information to the dedicated contact place (paragraph 71).

***Claim Rejections - 35 USC § 103***

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3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over HOFFMAN (US 2004/0014478 A1) in view of WIECK (US 6,011,967).

Regarding claim 4, see the rejections of the parent claim concerning the subject matter this claim is dependant upon. Although HOFFMAN suggests the use of a cellular telephone network and the ability to communicate voice and data to the mobile device (paragraph 49),

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HOFFMAN does not explicitly disclose wherein said mobile communication terminal is a cellular phone or a PDA (Personal Digital Assistant). WIECK discloses wherein said mobile communication terminal is a cellular phone or a PDA (abstract). Therefore it would have been obvious to a person of ordinary skill in the art to modify HOFFMAN to include a cellular phone in the design of the disclosed invention, as taught by WIECK, as cellular phones with location tracking capabilities is well known in the art.

### *Specification*

7. The abstract of the disclosure does not commence on a separate sheet in accordance with 37 CFR 1.52(b)(4). A new abstract of the disclosure is required and must be presented on a separate sheet, apart from any other text.

### *Conclusion*

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

ZELLERNER et al (US 6,799,049 B1) – Tracking movement of a wireless device

LEMELSON et al (US 6,028,514) – Personal emergency, safety warning system

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ariel Balaoing whose telephone number is (571) 272-7317. The examiner can normally be reached on Monday-Friday from 8:00 AM to 4:30 AM.


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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on (571) 272-7872. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ariel Balaoing  
Art Unit 2583  
Patent Examiner

AB

  
**RAFAEL PEREZ-GUTIERREZ**  
**PATENT EXAMINER**  
e/e/or